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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,816	09/05/2003	Kendall W. Prince	11640.4	7157
<div>7590 01/24/2008</div> <div>KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Street P.O. Box 45120 Salt Lake City, UT 84145-0120</div>				
			EXAMINER A, PHI DIEU TRAN	
			ART UNIT 3633	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/655,816	Applicant(s) PRINCE ET AL.	
	Examiner PHI D. A	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/11/08</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is to a window covering frame assembly being claimed as a subcombination with a hinge, a window covering. The limitation of “said window covering coupled to...” positively claims the “window covering” as a combination with the “frame assembly”. The limitation “such that a portion of the window covering frame assembly is concealed” is confusing and indefinite. As set forth in the claim, the “window covering”, the “substrate”, are all parts of the interior window covering frame assembly. It is thus unclear how a structure itself, conceals part of itself. The claim is thus confusing in scope and indefinite.

The limitation of claim 4 already exists in the amended claim 1. The limitation is thus redundant and needs to be modified or deleted.

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Claim 8 “ said decorative window covering coupled to ...core substrate” has the same problem as claim 1 above.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353).

McLaughlin(figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (22) configured to frame at least a portion of an interior window opening, the substrate comprising a thickness, said elongate core substrate comprising an elongate lateral plate (the part of plate which is attached to wall 45, figure 2) perpendicularly coupled to an elongate flange (figure 2, the part of 44 parallel to part 14), the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall (45), the elongate flange is configured to extend out from the wall and to retain a hinge (28) that is coupled to a window covering, a window covering (18, and the shutters 52) coupled to the substrate such that a portion of the window covering frame assembly is concealed, the elongate flange is configured to retain at least a portion of a the window covering, a decorative covering (42) coupled to the substrate (the covering is indirectly attached to one of the substrate through its coupling to jamb 30 and reinforcing plate 40), the decorative covering comprising wood (col 3 line 44-45), the window covering comprising a shutter.

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McLaughlin does not show the core substrate having a thickness of less than $5/16$ inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's core substrate to show the core substrate having a thickness of less than $5/16$ inch because it would have been an obvious matter of engineering design choice to have the thickness being $5/16$ inch as long as the thickness is able to hold the window covering in place to the wall.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr. (6588159).

McLaughlin as modified shows all the claimed limitations except for substrate comprising at least one material having an elastic modulus greater than $2.3E$.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified by Cotton Jr. shows the substrate having at least one material having an elastic modulus greater than $2.3E$ (per the property of sheet metal).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr. (6588159).

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McLaughlin as modified shows all the claimed limitations except for substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified by Cotton Jr. shows the substrate being formed of metal.

5. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357).

Goldhaber (figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (16) configured to frame at least a portion of a window opening, the substrate comprising a thickness, said substrate having a lateral plate (50) perpendicularly coupled to an elongate flange (52), the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall and to retain a hinge attached to the window covering, the window covering (10) coupled to the elongate core substrate such that a portion of the window covering frame assembly is concealed, the elongate flange is configured to retain at least a portion of the window covering, a decorative covering (figure 2, the part below part 14) coupled to the substrate, the decorative covering comprising wood.

Goldhaber does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr. (6588159).

Goldhaber as modified shows all the claimed limitations except for substrate comprising at least one material having an elastic modulus greater than 2.3E.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified by Cotton Jr. shows the substrate having at least one material having an elastic modulus greater than 2.3E (per the property of sheet metal).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber in view of Cotton Jr. (6588159).

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Goldhaber as modified shows all the claimed limitations except for substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified by Cotton Jr. shows the substrate being formed of metal.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of McLaughlin (5490353).

Goldhaber as modified shows all the claimed limitations except for the window covering comprising a shutter.

Goldhaber further discloses the window covering can be for a variety of window openings (col 4 lines 60-67).

McLaughlin discloses a shutter on a window covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show a shutter on a window covering as taught by McLaughlin because it allows for the easy control of lighting within the housing structure.

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9. Claims 8, 10-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr.

Goldhaber (figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (16), the substrate comprising a thickness with a modulus of elasticity, the elongate core substrate having an lateral plate (50) perpendicularly coupled to an elongate flange (52), the plate is configured to be coupled in a parallel fashion to an adjacent wall (12), the flange is configured to extend out from the wall and to retain a hinge that is coupled to a decorative covering, a connecting channel (66) coupled to a length of the lateral plate and the flange wherein the connecting channel is configured to be coupled to a perpendicularly oriented connecting channel along a second elongate lateral plate (inherently capable of functioning as claimed, and the perpendicular channel/second plate are not claimed structures), a window covering (10) coupled to the substrate, a decorative window covering (the part in figure 2 right below part 14) coupled to at least a portion of said substrate, the decorative covering conceals the portion of the core substrate, a cross sectional shape of the substrate corresponds to a Z-shape, the decorative covering comprising wood.

Goldhaber does not show the core substrate having a thickness of less than 5/16 inch, and comprising a material having an elastic modulus greater than 2.3E, the substrate being formed of metal.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's structure to show the core substrate having a thickness of less than 5/16 inch, the bracket being formed of sheet metal as taught by Cotton Jr. because it would

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have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall, and sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified further shows the substrate having an elastic modulus greater than 2.3E per the material being sheet metal.

Per claims 10, 15, McLaughlin as modified shows the substrate being formed of metal.

10. Claims 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr. as applied to claim 8 or 13 above and further in view of McLaughlin (5490353).

Goldhaber as modified shows all the claimed limitations except for the window covering comprising a shutter.

Goldhaber further discloses the window covering can be for a variety of window openings (col 4 lines 60-67).

McLaughlin discloses a shutter on a window covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show a shutter on a window covering as taught by McLaughlin because it allows for the easy control of lighting within the housing structure.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni (4974366).

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Tizzoni (figures 2, 4) shows an interior window covering frame assembly(certainly can function as an interior window covering) comprising an elongate core substrate configured to frame at least a portion of a window opening, the substrate comprising a thickness, said substrate having a lateral plate (26) perpendicularly coupled to an elongate flange (22), the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall and to retain a hinge (H) attached to the window covering, the window covering (10) coupled to the elongate core substrate such that a portion of the window covering frame assembly is concealed, the elongate flange is configured to retain at least a portion of the window covering, a decorative covering coupled to the substrate, the decorative covering comprising wood.

Tizzoni does not show the thickness being less than 5/16 inch..

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tizzoni's structure to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

12. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni (4974366).

Tizzoni (figures 2, 4) shows an interior window covering frame assembly(certainly can function as an interior window covering) comprising an elongate core substrate configured to frame at least a portion of a window opening, the substrate comprising a thickness, said substrate having a lateral plate (26) perpendicularly coupled to an elongate flange (22), the elongate lateral

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plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall and to retain a hinge (H) attached to the window covering, the window covering (10) coupled to the elongate core substrate such that a portion of the window covering frame assembly is concealed, the elongate flange is configured to retain at least a portion of the window covering, a decorative covering coupled to the substrate, the decorative covering comprising wood, the cross sectional shape of the substrate corresponds to a shape of a T.

Tizzoni does not show the thickness being less than 5/16 inch..

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tizzoni's structure to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

13. Claims 13, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni (4974366).

Tizzoni (figures 2, 4) shows an interior window covering frame assembly(certainly can function as an interior window covering) comprising an elongate core substrate configured to frame at least a portion of a window opening, the substrate comprising a thickness, said substrate having a lateral plate (26) perpendicularly coupled to an elongate flange (22), the elongate lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall and to retain a hinge (H) attached to the window covering, the window covering (10) coupled to the elongate core substrate such that a portion of the window

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covering frame assembly is concealed, the elongate flange is configured to retain at least a portion of the window covering, a decorative covering coupled to the substrate, the decorative covering comprising wood, the connecting channel is configured to be coupled to a perpendicularly oriented connecting channel along a second elongate lateral plate, a window covering substantially conceal at least a portion of the frame substrate.

Tizzoni does not show the thickness being less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tizzoni's structure to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni (4974366).

Tizzoni (figures 2, 4) shows a method for anchoring an interior window covering (D, certainly can function as a window covering) adjacent an interior window (the opening at O, certainly can be a window opening as claimed) having a window jamb and an adjacent wall, the method comprising providing a frame substrate, the substrate has a thickness and a volume, an elastic modulus greater than wood (aluminum having value greater than wood), the substrate comprising a lateral plate (26) and a flange (22) perpendicularly coupled to the lateral plate, coupling the frame substrate to the window jamb(10) and an adjacent wall surface, the lateral plate is coupled in a parallel fashion to the adjacent wall (W), the flange is positioned to extend out from the adjacent wall and has a depth sufficient to accommodate a hinge (H) attached to the

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interior window covering(D), using a connecting channel (24) to interconnect a first portion of the frame substrate with a second portion of the frame substrate, coupling the connecting channel to a perpendicularly orientated connecting channel along a second elongate lateral plate, attaching the hinge (H) of the window covering to the flange, using the flange to retain the hinge that is coupled to the interior window covering.

Tizzoni does not show the thickness being less than 5/16 inch..

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tizzoni's structure to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

Tizzoni as modified shows all the claimed limitations. The claimed method steps would have been the obvious method steps of anchoring an interior window covering with Tizzoni's modified structure.

Response to Arguments

15. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window covering frame assembly designs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

1/16/08